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| 09/933,197      | 08/21/2001  | Daisuke Ito          | 0879-0346P          | 6456             |

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| EXAMINER |
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JONES, HEATHER RAE

|          |              |
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| ART UNIT | PAPER NUMBER |
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2621

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06/11/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/933,197 | <b>Applicant(s)</b><br>ITO ET AL. |  |
|                              | <b>Examiner</b><br>HEATHER R. JONES  | <b>Art Unit</b><br>2621           |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 10, 20 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 20 and 26-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed March 4, 2009 have been fully considered but they are not persuasive.

The applicant argues that Sehr fails to disclose an enciphering device that enciphers, according to the identification information specifying the external apparatus, at least one of the image data and the operating information. The Examiner respectfully disagrees. The Sehr reference was used to disclose securely sending a message to a receiver according to the an encryption process wherein the sender encodes the message with a public key specific to that receiver and wherein the receiver uses its private key specific to that receiver to decrypt the message. The public key can include a unique mailing address or public telephone number which would ensure the correct external apparatus would securely receive the message. Then the external apparatus would include a private key which can include a secret combination of alphanumeric characteristics that will decrypt the incoming message. All of this can be found in col. 28, lines 36-46. Furthermore, Sehr was only being referenced to teach encrypting a message using a public key/private key security system as well as the public key including the unique mailing address or telephone number of where the message is going wherein only the apparatus that the message was supposed to be sent to can open the message thereby meeting the limitation of the enciphering device enciphers according to the identification information. The

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rest of the limitation was meant by the previous combination of Watanabe et al. in view of Steinberg et al. Therefore, the combination of Watanabe et al. in view of Steinberg et al. in view of Sehr meet the claimed limitations and the rejection is maintained.

2. In response to applicant's argument that Sehr is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Sehr is pertinent to the particular problem of encrypting data according to the specific external apparatus that is receiving the data, thereby making it analogous art. A further explanation was cited above regarding the combination of the Watanabe et al., Steinberg et al, and Sehr references.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10, 26-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (U.S. Patent 5,953,481) in view of Steinberg et al. (U.S. Patent 5,862,217) in view of Sehr (U.S. Patent 6,999,936).

Regarding claim 1, Watanabe et al. discloses a reproducing apparatus having an editing function, which includes a camera-integrated type VTR that comprises a body (10), a control part provided to the body (2), the control part (2) being operated by a user (the control part (2) is operated by the user through the input key group (5)); a communication device which transmits image data (col. 10, lines 16-20); a wireless communication device (3) that transmits operation information corresponding with operation of the control part (2) to an external apparatus (11) to remotely control the external apparatus (11) (col. 9, lines 61-67; col. 10, lines 1-38) when within a predetermined distance therefrom; a storing device that stores identification information for specifying the external apparatus (col. 8, lines 8-12); and a specifying device that specifies the external apparatus from the identification information stored in the storing device (col. 9, lines 50-55) (col. 8, lines 8-12 – the remote-control signals which are respectively associated for use with the VTRs as registered). However, Watanabe et al. does not specifically disclose that the wireless communication device transmits image data and an enciphering device that enciphers, according to the identification information, at least one of the image data and the operation information.

Referring to the Steinberg et al. reference, Steinberg et al. discloses a remote video transmission system wherein image data is transmitted wirelessly from a camera-integrated device (10) to an external apparatus (12) (Fig. 1; col. 2, lines 49-64; col. 3, lines 31-35) and an enciphering device that enciphers image data (abstract – encrypts image data).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the image data transmitted by Watanabe et al. would be transmitted wirelessly, in the manner taught by Steinberg et al., so communication would be made easier by being accessible in areas where standard lines are inaccessible. However, Watanabe et al. in view of Steinberg et al. still fail to disclose an enciphering device that enciphers, according to the identification information, at least one of the image data and the operation information.

Referring to the Sehr reference, Sehr discloses an apparatus capable of securely sending a message to a receiver according to the an encryption process wherein the sender encodes the message with a public key specific to the receiver and wherein the receiver uses its private key specific to that receiver to decrypt the message (col. 28, lines 24-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have securely sent the image data encrypted by Watanabe et al. in view of Steinberg et al. by encrypting the image data according to the receiver in order to ensure that only the receiver can decrypt the image data.

Regarding claim **10**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations previously discussed with respect to claim 1 as well as Watanabe et al. further disclosing that the control part (2) comprises an operation key (input key group (5)).

Regarding claim **26**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations previously discussed with respect to claim 1 including that the wireless communication device establishes a connection with the external apparatus prior to transmitting image data (Steinberg et al.: col. 2, line 65 – col. 3, line 35).

Regarding claim **27**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations previously discussed with respect to claims 1 and 26 including that once the connection is established with the external apparatus, the electronic camera transmits image data to the external device upon receipt of a request for transmission of image data (Steinberg et al.: col. 2, line 65 – col. 3, line 35; col. 5, lines 11-13).

Regarding claim **28**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations previously discussed with respect to claims 1, 26, and 27 including that the external device is a personal computing device (Watanabe et al.: Fig. 1; Steinberg et al.: Fig. 1).

Regarding claim **30**, Watanabe et al. discloses a reproducing apparatus having an editing function, which includes a camera-integrated type VTR that comprises a body (10), a control part provided to the body (2), the control part (2) being operated by a user (the control part (2) is operated by the user through the input key group (5)); a communication device which transmits image data (col. 10, lines 16-20); a wireless communication device (3) that transmits operation information corresponding with operation of the control part (2) to an external

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apparatus (11) to remotely control the external apparatus (11) (col. 9, lines 61-67; col. 10, lines 1-38) when within a predetermined distance therefrom; a storing device that stores identification information for specifying the external apparatus (col. 8, lines 8-12); and a specifying device that specifies the external apparatus from the identification information stored in the storing device (col. 9, lines 50-55) (col. 8, lines 8-12 – the remote-control signals which are respectively associated for use with the VTRs as registered). However, Watanabe et al. does not specifically disclose that the wireless communication device transmits image data and an enciphering device that enciphers, according to the identification information, the image data and the operation information.

Referring to the Steinberg et al. reference, Steinberg et al. discloses a remote video transmission system wherein image data is transmitted wirelessly from a camera-integrated device (10) to an external apparatus (12) (Fig. 1; col. 2, lines 49-64; col. 3, lines 31-35) and an enciphering device that enciphers image data (abstract – encrypts image data).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the image data transmitted by Watanabe et al. would be transmitted wirelessly, in the manner taught by Steinberg et al., so communication would be made easier by being accessible in areas where standard lines are inaccessible. However, Watanabe et al. in view of Steinberg et al. still fail to disclose an enciphering device that enciphers,



according to the identification information, the of the image data and the operation information.

Referring to the Sehr reference, Sehr discloses an apparatus capable of securely sending a message to a receiver according to the an encryption process wherein the sender encodes the message with a public key specific to the receiver and wherein the receiver uses its private key specific to that receiver to decrypt the message (col. 28, lines 24-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have securely sent the image data encrypted by Watanabe et al. in view of Steinberg et al. by encrypting the image data according to the receiver in order to ensure that only the receiver can decrypt the image data.

5. Claims 20, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. in view of Steinberg et al. in view of Sehr as applied to claims 1 and 30 above, and further in view of Peters (U.S. Patent 6,601,093).

Regarding claim **20**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations as previously discussed with respect to claim 1, but does not specifically disclose the wireless communication device automatically initiates communication with the external device without any action by the user when the camera is within a predetermined distance of the external apparatus.

Referring to the Peters reference, Peters discloses a networking environment that utilizes the Bluetooth™ technique, which is a technique that enables devices containing radio modems to be automatically detected upon coming into radio proximity with one or more other similarly-equipped devices (col. 6, lines 44-49). Peters gives the example of this technique being utilized between a wireless computer and server, wherein the wireless computer establishes communication with the server upon coming into proximity of the signal field of the server (col. 4, lines 41-50). Peters further states that the low-powered radio module defined by Bluetooth standard is intended to be built into various devices, including digital cameras (col. 6, lines 59-64), and that the advantages of using this technology include offering a great convenience to users in that devices can easily be added or moved without the inconvenience and expense of cables or in-premises wiring (col. 5, lines 1-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the Bluetooth technique disclosed by Peters into the electronic camera of Watanabe et al. in view of Steinberg et al. in view of Sehr, making the camera a Bluetooth-enabled device, to offer a great convenience to users in that the camera can easily be moved without the inconvenience and expense of cables or in-premises wiring when connected to the external device, and also to reduce power consumption which would occur if the external device was left on when not in use, but rather would turn the external device on when the camera is within a predetermined distance.

Regarding claim **29**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations as previously discussed with respect to claim 1 including that upon request to transmit image data, the wireless communication device transmits image data to the external device. However, Watanabe et al. in view of Steinberg et al. fails to disclose the camera automatically selecting a device to connect to.

Referring to the Peters reference, Peters discloses a networking environment that utilizes the Bluetooth™ technique, which is a technique that enables devices containing radio modems to be automatically detected upon coming into radio proximity with one or more other similarly-equipped devices (col. 6, lines 44-49). Peters gives the example of this technique being utilized between a wireless computer and server, wherein the wireless computer establishes communication with the server upon coming into proximity of the signal field of the server (col. 4, lines 41-50), which means that the camera automatically selects a device to connect to. Peters further states that the low-powered radio module defined by Bluetooth standard is intended to be built into various devices, including digital cameras (col. 6, lines 59-64), and that the advantages of using this technology include offering a great convenience to users in that devices can easily be added or moved without the inconvenience and expense of cables or in-premises wiring (col. 5, lines 1-19).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the Bluetooth technique in

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order to automatically select a device to connect to disclosed by Peters into the electronic camera of Watanabe et al. in view of Steinberg et al. in view of Sehr, making the camera a Bluetooth-enabled device, to offer a great convenience to users in that the camera can easily be moved without the inconvenience and expense of cables or in-premises wiring when connected to the external device, and also to reduce power consumption which would occur if the external device was left on when not in use, but rather would turn the external device on when the camera is within a predetermined distance.

Regarding claim **31**, Watanabe et al. in view of Steinberg et al. in view of Sehr discloses all the limitations as previously discussed with respect to claim 1, as well as the apparatus further comprising: when the wireless communication device receives a request from the external apparatus for communication, the apparatus responds to the request from the external apparatus based on the identification information of the external device stored in the storing device, and wherein the wireless communication device transmits the image data and without interaction from the user (Steinberg et al.: col. 2, line 65 – col. 3, line 35; col. 5, lines 11-13; Sehr: col. 28, lines 24-50 - sending image data according to the device). However, Watanabe et al. in view of Steinberg et al. in view of Sehr fail to disclose an operating part setting the electronic camera in a sleep state after a taking operation, wherein when the digital camera comes within a predetermined distance of the external apparatus a connection is made, the operating part sets

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the electronic camera in an operating mode, and wherein the operating part sets the sleep mode and the operating mode without interaction from a user.

Official Notice is taken that it is well-known in the art to have the digital camera go into sleep mode while waiting for another command and once that command is received then the digital camera wakes-up and processes that command. Furthermore, it is also well-known in the art that user interaction is not required to put the digital camera into sleep mode because it can be based on an internal timer that calculates how long the digital camera has been inactive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have digital camera go into sleep mode after a period of inactivity in order to wait for its next command and once that command is received the digital camera resumes operation and processes the command in order to save on the battery life of the digital camera. Furthermore, once the camera wakes-up the command is processed, which would require no interaction from the user. Therefore, the Official Notice meets the claimed limitations of an operating part setting the electronic camera in a sleep state after a taking operation, wherein the operating part sets the electronic camera in an operating mode, and wherein the operating part sets the sleep mode and the operating mode without interaction from a user. However, Watanabe et al. in view of Steinberg et al. in view of Sehr still fail to disclose when the digital

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camera comes within a predetermined distance of the external apparatus a connection is made.

Referring to the Peters reference, Peters discloses a networking environment that utilizes the Bluetooth™ technique, which is a technique that enables devices containing radio modems to be automatically detected upon coming into radio proximity with one or more other similarly-equipped devices (col. 6, lines 44-49). Peters gives the example of this technique being utilized between a wireless computer and server, wherein the wireless computer establishes communication with the server upon coming into proximity of the signal field of the server (col. 4, lines 41-50). Peters further states that the low-powered radio module defined by Bluetooth standard is intended to be built into various devices, including digital cameras (col. 6, lines 59-64), and that the advantages of using this technology include offering a great convenience to users in that devices can easily be added or moved without the inconvenience and expense of cables or in-premises wiring (col. 5, lines 1-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the Bluetooth technique disclosed by Peters into the electronic camera of Watanabe et al. in view of Steinberg et al. in view of Sehr, making the camera a Bluetooth-enabled device, to offer a great convenience to users in that the camera can easily be moved without the inconvenience and expense of cables or in-premises wiring when connected to the external device, and also to reduce power consumption which would occur if

the external device was left on when not in use, but rather would turn the external device on when the camera is within a predetermined distance.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
June 5, 2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621